

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
AUG 14 2000
DAVID J. MALAND, CLERK
BY
DEPUTY

CIVIL ACTION NO. 6:00-CV442-WMS

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served with process in this action but has hereby voluntarily entered its appearance; and states that it lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations and therefore denies them.

2. With respect to the allegations in paragraph II, states that Plaintiff's Original Petition speaks for itself; states that it is without sufficient knowledge or information to form a belief as to whether any of Plaintiff's allegations are true; states that Defendants/Third-Party Plaintiffs Original Answer speaks for itself; but states that the allegations are so vague and ambiguous that General American lacks sufficient knowledge or information to form a belief as to their truth.

3. States that the allegations in paragraph III are so vague and ambiguous that General American lacks sufficient knowledge or information to form a belief as to the truth of the allegations and therefore denies them; but states, on information and belief, that many of these claims likely relate to employee welfare benefit plans.

4. States that the allegations in paragraph IV are so vague and ambiguous that General American lacks sufficient knowledge or information to form a belief as to the truth of the allegations and therefore denies them.

5. States that the allegations in paragraph V are so vague and ambiguous that General American lacks sufficient knowledge or information to form a belief as to the truth of the allegations and therefore denies them.

6. Denies that Third-Party Plaintiffs are entitled to any relief requested in their prayer.

7. Denies all allegations not specifically admitted.

8. To the extent Third-Party Plaintiffs claims relate to employee welfare benefit plans, their state law claims are preempted by ERISA.

COUNTERCLAIM

9. To the extent any of the Third-Party Plaintiffs' claims relate to an employee welfare benefit plan, General American seeks to recover from Third-Party Plaintiffs all of its reasonable and necessary attorney's fees and court costs pursuant to 29 U.S.C. § 1132(g).

PRAYER

10. General American respectfully requests the following relief:

- (a) that Third-Party Plaintiffs take nothing on their claim against General American;
- (b) that General American be dismissed with its attorney's fees and costs of court;
- (c) that General American have all such other and further relief, both general and special, at law and in equity, to which it may show itself justly entitled.

Respectfully submitted,

By: Dennis M. Lynch *by permission*
for Doug K. Butler
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Attorney-in-Charge

OF COUNSEL:

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ATTORNEYS FOR THIRD-PARTY
DEFENDANT GENERAL AMERICAN LIFE
INSURANCE COMPANY

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was served via certified mail, return receipt requested, on the individuals listed on the attached Service List, on this 11th day of August, 2000.

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Dennis M. Lynch

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